MGN

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY**

**CIVIL APPELLATE SIDE**

**WRIT PETITION NO.6423 of 2006**

Shri Dhondiba Sitaram Dubal ..Petitioner

Versus

The State of Maharashtra
& Ors. ..Respondents

Mr. D.W. Bhosale, for the Petitioner
Mrs. M.P. Thakur, AGP for respondent Nos. 1 and 2.

**CORAM : F.I. REBELLO &**
**R.M.SAWANT, JJ.**
**DATED : 6TH MARCH, 2007.**

**P.C.**

. There is nothing on record to indicate that declaration under Section 6 of the Land Acquisition Act has been issued. The case of the petitioner is that the land of the respondents bearing Gat No.440 had been acquired. The Respondent No.10-Upalap after a long time sought to delete Gat No.440 which is in his possession as alternative land. It is based upon this, Section 4 Notification was issued to which the petitioner had filed objection.

2. There is nothing in the petition to indicate as to whether Section 6 declaration has been issued and award has been passed. In the light of that the petition as it stands we are not inclined to interfere in the exercise of our extra ordinary jurisdiction. If, however, Section 6 declaration has been issued and subsequent award has been passed it will be open to the petitioners to challenge the same.

(**F.I.REBELLED**, J)

(**R.M.SAVANT,J**.)